

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PLUMBERS & STEAMFITTERS LOCAL 773 :  
PENSION FUND, individually and on behalf of all :  
others similarly situated, :

Plaintiff, :

-against- :

ELAN CORPORATION, PLC, et al., :

Defendants. :

**SUMMARY ORDER**

08 Civ. 8761 (AKH)  
08 Civ. 9179 (AKH)  
08 Civ. 9808 (AKH)  
08 Civ. 10280 (AKH)  
08 Civ. 10784 (AKH)

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IRVING FEINGOLD, on behalf of himself and all :  
others similarly situated, :

Plaintiff, :

-against- :

ELAN CORPORATION, PLC, et al., :

Defendants. :

----- X  
AARON MAGEL, individually and on behalf of all :  
others similarly situated, :

Plaintiff, :

-against- :

ELAN CORPORATION, PLC, et al., :

Defendants. :

----- X  
MERV GOLDBAS, individually and on behalf of all :  
others similarly situated, :

Plaintiff, :

-against- :

ELAN CORPORATION, PLC, et al., :

Defendants. :

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(caption continued on next page)

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DIEDRA SENEGAL, individually and on behalf of	:
all others similarly situated,	:
	:
Plaintiff,	:
-against-	:
	:
ELAN CORPORATION, PLC, et al.,	:
	:
Defendants.	:
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ALVIN K. HELLERSTEIN, U.S.D.J.:	

On February 19, 2009, I held a hearing on motions to consolidate the above-captioned related actions, appoint a lead plaintiff, and approve lead counsel. The four movants are Council of the Borough of South Tyneside as administrating authority of the Tyne and Wear Pension Fund (“Tyne & Wear”), Gary W. Kleinman (“Kleinman”), Kenneth Raymond Augst, Jr. and Luc Lemmering, and, finally, three entities identifying themselves as the “Institutional Investor Group.”

For the reasons stated on the record, I grant the motions to consolidate the actions. All subsequently filed actions raising similar or related claims arising out of the same or substantially the same transactions or events as these cases shall be consolidated with the above-captioned actions for all purposes, including pre-trial proceedings and trial, except for cause shown to the contrary. Every pleading filed in these consolidated actions shall bear the following caption:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK


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In re ELAN CORPORATION SECURITIES	:	
LITIGATION	:	Master File No. 1:08-cv-08761-AKH
	:	
This document relates to:	:	
	:	
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The files of these consolidated actions shall be maintained in one file under Master File No. 1:08-cv-08761-AKH.

I defer decision on the motions to appoint a lead plaintiff and approve lead counsel, pending further submissions by Tyne & Wear and Kleinman, as described on the record. Tyne & Wear and Kleinman shall exchange their prospective submissions by March 20, 2009, file the required submissions with the Court by April 3, 2009, and file responses with the Court by April 10, 2009. The Court will schedule a hearing on the pending motions at a later date, if necessary.

SO ORDERED.

Dated: February 20, 2009  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge